THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO :5131 of 2007

DATED: 15-03-2007

BETWEEN:

Vatsavayi Seethamma.

..... PETITIONER

AND

Chinamallam Grampanchayat,
Rep., by its Secretary,
Chinamallam village,
Penugonda Mandal,
West Godavari & 3 others.

.....RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 1st respondent in not renewing the tree patta licence in favour of the petitioner in terms of Rule 13 of the Licence Rules, as illegal and arbitrary.

3. It is the case of the petitioner that the 1st respondent granted licence for planting trees in the poramboke in favour of the husband of the petitioner, namely Vatsavayi Subba Raju on 30-10-1968. It is stated that as per clause No.12 of the said licence as long as the licence fee, as fixed by the Gram Panchayat, is paid continuously the licence cannot be cancelled, and as per clause 13, in case of the death of the licencee the licence will be renewed in favour of the legal heirs on application. It is stated that the petitioner's husband died on 24-06-2003 and therefore, the petitioner made a representation, dated 28-01-2004, which was posted on

05-12-2004, and received by the 1st respondent on

04-12-2004, but the said representation has not been considered and disposed of so far. Hence, the present Writ Petition.

4. Having regard to the facts and circumstances of the case, the petitioner is directed to make a fresh representation enclosing the earlier representation within two weeks from today and on receipt of such representation the 1st respondent may consider and dispose of the same in accordance with law.

5. Accordingly, the writ petition is disposed of. No order as to costs.

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V.ESWARAIAH, J

15th March, 2007
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